Session of 2025

SENATE BILL No. 299

By Committee on Federal and State Affairs

4-10

AN ACT concerning courts; relating to the supreme court nominating commission; requiring certain records of the commission to be released under the open records act; amending K.S.A. 20-123 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 20-123 is hereby amended to read as follows: 20-123. (a) When the chairperson and other members of the commission chosen by the members of the bar have been elected~~,~~ and after the names of the nonlawyer members appointed by the governor have been certified to the clerk of the supreme court as provided in this act, the clerk shall make a record thereof in the clerk's office and shall notify the members of the commission of their election and appointment. The commission shall meet from time to time as may be necessary to discharge the responsibilities of the commission. Such meetings shall be held at such place as the clerk of the supreme court may arrange. Such meeting shall be held upon the call of the chairperson, or in the event of the chairperson's failure to call a meeting when a meeting is necessary, upon the call of any four members of the commission. The commission shall act only at a meeting~~,~~ and may act only by the concurrence of a majority of its members. The commission shall have power to adopt such reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties as are consistent with this act and the constitution of the state of Kansas.

(b) (1) The supreme court nominating commission shall be and is hereby deemed to be a public body and shall be subject to the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

(2) Except as provided further, the commission shall not recess for a closed or executive meeting for any purpose. The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting only for the purpose of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

(3) ~~Nothing in this subsection shall be construed to supersede the commission's discretion to close a record or portion of a record submitted to the commission pursuant to any applicable exception to public~~

~~disclosure under the open records act~~*Notwithstanding the provisions of K.S.A. 45-221(a)(1), and amendments thereto, no rule of the commission or the Kansas supreme court shall be adopted that prohibits disclosure of the records of the commission. All records of the commission, including the names and cities of residence of the people who have been nominated to serve on the commission or as chair of the commission, shall be open and subject to disclosure, except that background check information or sensitive financial information of applicants or nominees for judicial office contained within such records may be closed by the commission*.

Sec. 2. K.S.A. 20-123 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.